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REMARKS

This Amendment is responsive to the Office Action identified above, and is responsive in any other manner indicated below.

REQUEST FOR CORRECTED OFFICE ACTION - MOOT

Applicant's 15 May 2006 request for corrected office action was not addressed or responded to by the USPTO. However, as Applicant herein responds to such office action, Applicant's request for corrected office action has been rendered moot and there is no longer any need for the USPTO to address or respond to the same.

ALLEGED IMPROPER BROADENING - TRAVERSED

Claim 27 have been rejected under 35 USC 251 as being broadened within a reissue application filed allegedly outside the two year statutory period. Traversal is appropriate, because the parent patent 5,637,913 issued 10 June 1997, and the first reissue (in the present family of reissues) was filed as a broadening reissue on 09 June 1999. Further, as explained within MPEP 1412.03 (IV), once a broadening reissue is filed within the two year statutory period, then Applicant is allowed to submit additional broadening claims BEYOND the two year statutory period, even within subsequent reissue continuations/divisionals filed later than the two year statutory period. Reconsideration and withdrawal of the rejection, are respectfully requested.

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PENDING CLAIMS

At entry of this paper, Claims 15-27 remain pending for further consideration and examination in the application.

"PROVISIONAL" DOUBLE-PATENTING

It is respectfully noted that the present double-patenting rejection is only a "provisional" double-patenting rejection. As a result, Applicant respectfully submits a traversal, but refrains from commenting further on a substance of the rejection at this time, until an actual double-patenting rejection is made. It is respectfully noted that the present application is specifically directed toward a "burrs" invention, i.e., loading of a semiconductor die and/or wiring leads with respect to direction of "burrs".

If a situation arises where the only remaining issue blocking allowance is the double-patenting rejection(s), the Examiner is herein requested to telephone the Undersigned at the local Washington, D.C. area telephone number of 703-312-6600, for the possible immediate preparation/filing of a terminal disclaimer to move the application to allowance.

RECAPTURE REJECTION - TRAVERSED

The recapture rejection of Claims 15-26 as set forth within the section numbered "2" on page 2 of the Office Action (and/or within prior Office Actions) is respectfully traversed. More particularly, MPEP 1412.01 allows a reissue Applicant to claim an invention which was disclosed within Applicant's original disclosure, even if it was not claimed in the original patent. That is, MPEP 1412.01 states (in relevant

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part), "The reissue claims must be for the same invention as that disclosed as being the invention in the original patent, as required by 35.U.S.C. 251. This does not mean that the invention claimed in the reissue must have been claimed in the original patent..." [Emphasis added.] Thus, MPEP 1412.01 clearly states that a differing invention (not claimed within the original patent claims) can be subsequently claimed within a reissue application. It is respectfully submitted that there is no mention of "recapture" within MPEP 1412.01.

Office Action comments associated with the "recapture" rejection, appears to give the impression that the Examiner/USPTO is setting forth a position (based upon "recapture") that a "new invention" reissue claim must contain all the prior (amendment) limitations of the patent claims PLUS the features/limitations of the "new invention". Traversal is appropriate, because the above-mentioned MPEP 1412.01 provisions clearly allow "new invention" reissue claims. The apparent Office Action comments proposal would (in effect) only permit narrowing "same claimed invention" claims, in that a reissue applicant would be required to start with the patented claims and then add limitations with respect to the "new invention". It is respectfully submitted that to accept the apparent Office Action comments proposal would render MPEP 1412.01 meaningless, i.e., there never would be any "new invention" claims, in that there would only result "prior patented invention" claims which are further narrowed with the "new invention" limitations.

Evidence beyond the MPEP 1412.01 text also shows that "new invention" claims are permitted within reissues without involving "recapture. For example:

In the legal case of *In re Mead*, 198 USPQ 412 (CCPA 1978)

[explicitly cited within the MPEP 1412.01 section], the examiner

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noted that reissue claims 4, 9 and 10 were directed to an independent and distinct invention not claimed in the original patent on the basis they "require a specific vibrating means which the claims of the original patent do not require and the claims of the original patent require fluid dispensing means or two different type of bristles which claims 4, 9 and 10 do not require". Despite the reissue claims 4, 9 and 10 having omitted patented features/limitations, "recapture" was not an issue within such legal case. Instead, the subject reissue claims 4, 9 and 10 failed in that MPEP 1412.01 further states that any intent (expressed within the original application, or during prosecution history) "not to claim" a specific type of claims, will work to bar those as reissue claims. That is, Mead's reissue applicant had inadvertently submitted a "not to claim" admission, so that "intent not to claim" (not "recapture") blocked such claims.

MPEP 1412.02(d)(III) presents an example where a reissue may be filed for "computer-readable medium" claims, where original patented claims were directed to "machine claims". It is respectfully submitted that "computer-readable medium" claims will obviously omit limitations which the patented "machine claims" include (and the "machine claims" will omit limitations which the "computer-readable medium" claims include). It is respectfully submitted that there is no mention of "recapture" within MPEP 1412.02(d)(III).

In the legal case of *In re Rowand*, 187 USPQ 487, the question was whether a reissue applicant could obtain reissue claims directed to

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a "method", where the original patented claims were directed to
"tubing" devices. "Recapture" was not an issue within such legal case.

In applying the above principles to the present reissue, Applicant is now
claiming (as validly allowed by MPEP 1412.01) a new "bur" invention, i.e., the
original FIGS. 3 and 11(b) embodiment involving proper placement/orientation of
"burs" (see item 11 in Applicant's FIG. 3). While the alleged recapture "[s]uspension
leads unitarilyby adhesive" and other Office-Action-listed limitations may have
been important to ones of Applicant's prior '913 patent claims directed to a differing
"adhesive" features invention, such limitations are irrelevant to, and thus are (by
Applicant's choice) not included in, Applicant's present differing "bur" features
invention/claims.

As a result of all of the foregoing, reconsideration and withdrawal of the
"recapture" rejection, and express written allowance of all of the presently-pending
claims, are respectfully requested.

EXTENSIVE PROSECUTION NOTED

Applicant and the undersigned respectfully note the extensive prosecution
which has been conducted to-date with the present application, and thus Applicant
and the undersigned would gratefully appreciate any considerations or guidance
from the Examiner to help move the present application quickly to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or
cancellations submitted within this paper and throughout prosecution of the present

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application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendments or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that all claims in this reissue application are now in condition for allowance. Accordingly, allowance of all such claims is respectfully requested.


Applicant respectfully petitions the Commissioner for an appropriate extension of the shortened statutory period for response set by the Office Action dated 29 March 2004. A Form PTO-2038 authorizing payment of the requisite Petition and claim fees also is attached hereto. Please charge any deficits in fees to ATS&K

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Deposit Account No. 01-2135 (as Order No. 501.32049RV1).

Respectfully submitted,



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